

The Cultural Relativism Trap

In addressing the topic of human rights in the Middle East, there is a risk of falling into the cultural relativism trap of assigning fixed values to the Muslim-majority societies of the region, while glossing over the socio-political dynamics that animate them. The universality paradox surrounding human rights also gives undue weight to particularistic positions, which confound universality with homogeneity or cultural imperialism.¹

The universality paradox of human rights is not easy to get around when universality is often mistaken for uniformity. Yet, as the former Under-Secretary General of the United Nations, Shashi Tharoor, explains, ‘it is a universal idea of human rights that can in fact help make the world safe for diversity.’² Still, the universality of human rights remains under question nearly seven decades after the signing of the Universal Declaration of Human Rights. This is because human rights have not yet been universally enforced, and not necessarily because they lack universal applicability. By extension, the rights gap in regions such as the Middle East is the localized manifestation of the disproportionate distribution of rights across the world and is more a product of global disparity than of cultural dissonance.

Greater human rights guarantees in certain parts of the globe over others might lead observers to conclude that some cultures or ways of life such as Islam are fundamentally anathema to rights, while assuming that others are more naturally disposed to respecting human rights. Bernard Lewis, for instance, finds the Islamic character of states to be the cause of what he perceives as the ‘almost unrelieved failure’ of

democratic institutions in the region, while others attribute the democracy deficit in the Middle East, to the region's 'Arab' character, contributing to the prevailing assumption of inherent regional resistance to rights-based systems of governance.³ Yet, Western-style democracy and secularism are not absolute prerequisites for the adoption of fundamental human rights principles; just the same, they do not automatically generate respect for human rights. Still, the claim is made by the legion of Orientalists in the West and particularists in the East, that human rights are exclusively Western, and therefore inapplicable elsewhere. Fred Halliday describes this tendency as deriving from the 'fallacy of origin' or the false assumption that the authenticity or applicability of given principles is somehow bound up with their source of origin.⁴

The contemporary Middle East debate on human rights, in many ways, serves to perpetuate the widely held image of an exotic, if not barbaric East, and the superiority of a civilized West—an image that Edward Saïd sought to deconstruct.⁵ There are two main reasons for such stark characterizations. The first is that the realities of the Middle East are increasingly filtered through the lens of Western foreign policy in the region; the second is the lack of a reasoned middle ground within the ensuing Middle Eastern rights debate. The Middle East is traditionally viewed through the prism of great power and superpower influence in the region, most notably because it is among the most penetrated regions in the world.⁶ The term, 'Middle East,' in itself, is indicative of the primacy of the Western-Eurocentric worldview to today's accepted understanding of the geography and politics of the region.

Revisionists such as Saïd warn against making essentializing differences between East and West, which could be used to bolster the thesis of Western cultural superiority or that of a 'clash of civilizations,' at the expense of the Eastern *other*.⁷ The main characterization of the Middle East in the Western media 'tends to center around religious extremism and global terrorism.'⁸ The rise of extremist groups in the region, such as the death-cult, *Daesh*, the so-called Islamic State (IS), which engage in barbaric acts, including beheadings, sex slavery, and the ethnic cleansing of the Yazidi Christian minority in Iraq in the name of Islamic revivalism, only further validates these perceptions of the region.⁹

The apocalyptic titles warning of an impending 'clash of civilizations' or expounding on 'the crisis of Islam' or 'the roots of Muslim rage' also contribute to the vilification of Middle Eastern and Muslim societies and the belief in the irreconcilability of Eastern ideologies with those

of the West. By comparison, relatively few scholarly volumes, until more recently, bear reference to the Arab and Muslim-majority countries in conjunction with terms such as liberalism, democracy and human rights. The advent of the 2011 uprisings dubbed the Arab Spring or Arab Awakening spurred a rise in such titles, as questions of democracy and freedom in the region became more topical, but they have since tapered off, as the Arab Spring gave way to an Arab Winter. Writings after 2011 are only selectively optimistic about regional prospects for progress.¹⁰

The question of compatibility between human rights and Middle Eastern values—often framed within Orientalist discourse as a debate between medieval Eastern ideology and liberal Western philosophy—can be settled when politics are gently teased out of the equation, if only by force of the imagination. Arguably, any perceived clash is an illusion produced by the refracting lens of present-day geopolitical power-play, not an age-old civilizational rivalry.¹¹ According to Halliday, ‘What we discover is not so much a clash of cultures or civilizations as the pursuit of power, political and social, in the condition of the late twentieth century.’¹² By extension, the widespread unrest, poverty and inequality plaguing the Middle East are not endemic to the region, even if they have taken on a permanent quality. Rather, they are the by-products of aggrieved historical circumstance and often, political folly and failure. Making this all-important distinction is central to the task of liberating the debate over human rights in the Arab and Islamic World from its narrow encasings.

Today’s intractable level of conflict in the Middle East and elusiveness of peace and stability region-wide is a reality emblazoned across international headlines and experienced firsthand by those caught in its cross-fire. Such is the legacy of longstanding Western colonialism, as well as ongoing foreign intervention and Western support for autocratic regimes in the region.¹³ As the Arab Human Development Reports reaffirm, it is the intrusive Western foreign policy conducted under the pretext of spreading democracy and freedom in the Middle East, which has given human rights a tarnished name within the region.

Western interventionism in the Middle East has been notoriously prone to backfiring and ‘sowing crisis.’¹⁴ The US invasions of Afghanistan after 9/11 and of Iraq in 2003, ‘Operation Iraqi Freedom,’ and the 2011 NATO intervention in Libya, are emblematic of the collective failures and mass casualties incurred by foreign military campaigns in the region. While foreign meddling is not singlehandedly responsible

for the many ills in the region, it has historically acted to compromise the environment necessary for the realization of rights and freedoms, including democracy. By inadvertently creating conditions for the rise of armed civil conflict, corruption and chaos, Western foreign policy in the Middle East has done more harm than good.¹⁵

Such a hypothesis circumvents the conventional Western political discourse on the Middle East that tends to decontextualize and reify cycles of violence in the region, often confounding legitimate resistance to foreign occupation and struggles for the right to self-determination with arbitrary acts of 'terror.' For example, struggles that have taken the form of Arab Nationalism or the Palestinian liberation movement and intifadas, have been grounded in a genuine desire for self-determination and justice.

According to the 2005 Arab Human Development Report, 'with their arguments derailed by intervention from abroad, and stifled by reactionary forces at home, Arab moderates are increasingly embattled, frustrated and angry,' which could possibly account for the consequent radicalization of Middle Eastern discourse.¹⁶ As a result of the difficulties in sustaining a moderate line of discourse within the Middle East, the debate on human rights has taken to being caricaturized as a Manichean, black and white struggle of East versus West. The Eastern voice is predominately split among an ultra-conservative Islamic elite, on the one hand, which claims that human rights have no place in their religion, and Middle Eastern entities, on the other hand, that shun human rights in the name of fighting Western cultural imperialism. Often no distinction is made between the two forms of reasoning, and no critical evaluation is made into their respective validity. Whether this polarization is, in itself, merely a product of Western influence, is debatable, especially when considering the extent of internal division among Middle Eastern communities on such issues as human rights and freedoms.

The Islamic community in the Middle East is internally divided into rights issues and modes of interpreting the *Quran* and *Sunna* (Islamic Traditions). Such points of contention, however, reveal the point at which religion ends and politics begins. Given that the *Quran* is presumed to be the final word of Allah or God, the problem lies with the terms of interpretation of the holy text. Yet, Islam contains the requisite inbuilt mechanism for reform called *ijtihad* or new thinking and independent, analogical reasoning. *Ijtihad* confers the collective right of religious interpretation upon all believers. According to Irshad Manji,

it allows ‘every Muslim, female or male, straight or gay, old or young, to update his or her religion in view of contemporary circumstances.’¹⁷ In the present age, this right has been arbitrarily made into the exclusive privilege of a select group of *muftis* or Islamic experts, which could account for the lack of genuine pluralism within Islam today.

The views of Islamic scholars on human rights reflect a variety of culturally relativist positions.¹⁸ Sultanhussein Tabandeh sees the fundamental incompatibility of providing equal rights for men and women under international human rights law, whereas Abdu’l A’la Mawdudi, who otherwise shares Tabandeh’s views on limited gender equality under the Islamic *shari’a*, feels that women should have an equal right to divorce. Five different discourses exist within Islam about human rights.¹⁹ The first of these discourses, that of *assimilation* and *appropriation*, does not contest the compatibility and human rights and Islam; the latter goes as far as to suggest that human rights must be derivative of Quranic revelation. Meanwhile, the subsequent lines of discourse, of *particularism*, *confrontation*, and finally *incompatibility*, are increasingly rejectionist and adamantly opposed to any non-Islamic, secular codes of conduct, and rely exclusively on divine principles of the *shari’a*.

The political climate surrounding Islamic societies, however, yields multiple interpretations of the Quran and of the Prophetic traditions that are not all averse to liberal principles. By extension, the rejection of principles such as human rights and freedoms are not all, in the view of Hamid Enayat, ‘related to the doctrinal foundations of Islam’ but to the political circumstance in which Islamic societies find themselves.²⁰ Respect for human rights within Muslim-majority countries is a matter of the appropriate contextualization of the rights debate within the religious community. Existing disparities between human rights and Islamic doctrine are capable of being resolved from within the religious tradition itself, such that even new rights can be created and outdated practices discontinued.²¹ Such is one proposed vision of a progressive Islamic tradition that evolves to meet the specific demands of the times, while preserving the four foundational cornerstones of human rights in Islam, namely ‘the Supreme Being, a common humanity, a common path to God, and a set of universal ethical-moral values.’²²

In his study of the advent of modern Islamic political thought, Enayat submits that different interpretations of Islam yield different political results, not all of them averse to human rights, ‘and not always in terms conducive to a dictatorial conduct of individual and social affairs.’²³ By

the same token, the failures of the conditions for the realization of freedoms and rights are not at all a function of Islam proper. Rather, they are a function of the politicization of religion more generally. It is just as the Sunni–Shia divide in Islam, for instance, has been exacerbated in more recent times as a result of divisive political circumstances, such as in the ongoing, destabilizing conflicts from Iraq and Afghanistan to Lebanon.²⁴

It is necessary to disentangle the patriarchal underpinnings of certain outdated cultural practices misattributed to Islam. On the question of the rights of women, Tariq Ramadan suggests, ‘the discourse about women has been widely influenced by patriarchal cultures, so that some cultural practices that were not “Islamic” have come to be justified. Female excision, forced marriages, honor crimes, for instance, are not Islamic even though certain scholars may have attempted to provide religious justification for them.’²⁵ What this reveals is the danger of Islamic tenets being adulterated and instrumentalized to justify illiberal and repressive policies, and the corresponding danger of these practices coming to be equated with ‘Islamic’ values. This highlights the need for what Abdullahi Ahmed An-Nai’em calls ‘an Islamic hermeneutics for human rights’ or a credible ‘internal Islamic discourse’ on the legitimate application of universal human rights to Muslim societies.²⁶

Meanwhile, the Western voice is split between those who view Islam as incompatible with Western liberalism, and those who advocate the export of Western-brand democracy to ‘that troubled part of the globe.’²⁷ Some attempts are even made to legislate on matters of Islam in the West, such as the 2009 Swiss referendum against the construction of minarets or France’s controversial efforts to ban the Muslim headscarf from state schools.²⁸ Following the events of 9/11 and increasing racial-profiling of Muslims in the West, including the controversial 2017 ‘Muslim ban’ limiting immigration by citizens from Muslim-majority countries into the USA, there is a defensive line of discourse that seeks to emphasize that *not all Muslims are terrorists*. Such arguments, although well intentioned, reinforce unwanted stereotypes by submitting to the underlying premise of East–West enmity. Considering the fact that the loudest and most radical elements within the Arab and Islamic World dominate world headlines, it is challenging to derive an accurate picture of the region and its people. A more comprehensive representation of the Middle East is lost amid the din of voices purporting to speak for Arabs or Islam.²⁹

Although the claims of cultural relativism have sought to obscure the universality of human rights, the plethora of rejectionist human rights stances cannot entirely invalidate competing universalist claims. It has been widely accepted that at *the heart of human rights* lies a basic level of respect for the inherent dignity of all beings.³⁰ In recognizing this universal criterion, one is less likely to fall into the cultural relativism trap. Strong cultural relativist claims often provide a loophole to circumvent the human rights question altogether, according to exiled human rights lawyer Shirin Ebadi, the first Muslim woman and Iranian to win the Nobel Peace Prize. Answering to particularistic criticisms regarding the Western provenance of human rights and their incompatibility with Islam, Ebadi, responds:

The idea of cultural relativism is nothing but an excuse to violate human rights. Human rights is the fruit of various civilizations...Those who are invoking cultural relativism are really using that as an excuse for violating human rights and to put a cultural mask on the face of what they're doing. They argue that cultural relativism prevents us from implementing human rights. This is nothing but an excuse. Human Rights is a universal standard. It is a component of every religion and every civilization.³¹

The affirmation of the universality of human rights seeks to put cultural relativist accounts of human rights into proper perspective. In analyzing Middle Eastern positions on human rights, for instance, it is possible to differentiate between particularistic interpretations of rights, which are meant to excuse human rights violations, and those that merely seek to defend and protect their cultural particularities. However, applying a universal human rights standard to all countries does not presume homogeneity across cultures. It serves to accommodate the extent of plurality that permeates international society.

It is also possible to differentiate between weak and radical forms of universalism and cultural relativism. Jack Donnelly defends a tolerant universalism tempered by a weak cultural relativist approach that 'would recognize a comprehensive set of *prima facie* universal human rights and allow only relatively rare and strictly limited local variations and exceptions' on the basis of culture.³² He argues that 'the international consensus represented by the Universal Declaration of Human Rights and the International Human Rights Covenants, in the conditions of the modern world, support a weak cultural relativist approach to human

rights.’ In this view, universalism can no longer be seen as a form of moral imperialism or repudiation of cultural diversity; and relativism can no longer be used as an argument to contest the universal application of human rights principles.

Subscribing to such an understanding of rights in the modern international system, it would, therefore, seem appropriate to evaluate the Middle East, using universal standards of human rights. In fact, human rights norms have permeated Muslim societies to a degree that occasionally renders them inextricable from each other, in the same way, for instance, that the foreign, Western model of the nation-state is today the norm across the Arab and Muslim world. This is to say that one cannot legitimately challenge the principle of human rights on grounds of incompatibility with Islamic culture, as cultural relativists such as Mawdudi and Tabandeh have done in their respective Islamic critiques and particularistic interpretations of human rights, without throwing out of balance the entire infrastructure upon which the Muslim world was built.³³ Therefore, discrediting human rights principles within Muslim societies, outright, while selectively ignoring other non-Islamic developments, which the processes of modernization and globalization have brought about in the Muslim world, reveals the inconsistency of cultural relativist thought.³⁴

Despite cultural relativist arguments to the contrary, it can be historically shown that human rights also have roots in Eastern traditions and that notions of human rights are not foreign to the Muslim-majority countries of the Middle East; neither are they undesirable concepts to the hundreds of millions living in the region. Results of a comprehensive survey conducted on the world’s Muslim population demonstrate an overwhelming receptiveness to principles of rights, freedoms and democracy. Specifically, ‘data and Muslim politics demonstrate a broad-based desire for greater political participation, government accountability, and the rule of law.’³⁵ The 2010 Zogby Poll of ‘Arab Voices’ further supports these findings and also indicates that the majority of people in the region do not seek the guardianship of the West in matters of their own destiny.³⁶ This would point to a general consensus among Arabs on their collective right to self-determination, and also a tacit recognition of the centrality of their independence to the realization of other rights and freedoms. The 2016 qualitative survey on ‘Arab voices on the challenges of the new Middle East’ by the Carnegie Endowment echoes these findings, and further stresses the desire in the Arab world for legitimate governance underwritten by a social contract.³⁷

Reflecting on progressive Eastern human rights milestones and traditions provides evidence of the early exercise of self-determination and freedom in the region. The Cyrus Cylinder, which is today known as the first human rights charter in history, is just one example of a largely forgotten Eastern prelude to more modern declarations of individual rights and freedoms. Ironically, however, the seal of Cyrus, housed at the British Museum in the United Kingdom, seems to literally symbolize the decontextualization of Eastern contributions to the evolution of international human rights norms.³⁸ The decision to showcase the Cyrus Cylinder at different museums across the USA in 2013 also indicates the universal and ageless appeal of an ancient Eastern historical artifact.³⁹ Such an initiative invariably works to foster greater cross-cultural sensitivity by highlighting the common values shared between East and West.

Similarly, the Egyptian principle of *Ma'at* in Chapter 125 of *The Book of the Dead* or *Coming Forth by Day*, dating back to over 2500 B.C., provided 'Forty-Two Declarations of Purity' based on truth, justice and order, which the Pharaohs rulers were expected to uphold.⁴⁰ The long-forgotten *Ma'at* doctrine, far from representing a fixed religious dogma, appears to be one of the oldest and most enlightened expressions of legal and moral guidelines emanating from the MENA region. Such concepts as *Ma'at* or those embodied in the Cyrus Cylinder can perhaps be looked upon as ancient antecedents to modern legal and ethical norms and codes, once exclusively accredited to the Western Enlightenment. It is not so much the provenance of such treasures and traditions, which is remarkable, but the extent to which they reflect a harmonious balance between universal and particularistic norms.

More recently, the Ottoman Empire, the precursor to the modern-day Middle East, was a self-sufficient zone of relative stability and order where diversity was tolerated if not celebrated. There existed a readiness on the part of the Empire to curb arbitrary rule in deference to the rule of law.⁴¹ For close to four centuries, the Ottoman Empire was, according to Albert Hourani, 'the last great expression of the universality of the world of Islam.'⁴² However, the image commonly painted of the Ottoman Empire as disorderly and backward would appear to be a far cry from the truth of its time. The Empire has been characterized as the 'sick man of Europe' or as 'oriental despotism.'⁴³ Such depictions go to obscure the more progressive developments under the Ottomans. These include the fact that cultural and religious pluralism was permitted to flourish within the diverse corners of the late Empire.

For instance, the *Gülhane* edict, a royal decree issued by the Empire in 1839, mandated that:

Officials should be free from the fear of arbitrary execution and seizure of property; they should govern in accordance with regulations drafted by high officials meeting in council. The subjects should live under laws derived from principles of justice, and which enabled them to pursue their economic interests freely; the laws should recognize no difference between Muslims, Christian and Jewish Ottomans. New commercial laws would enable foreign merchants to trade and travel freely.⁴⁴

There are uncanny parallels to be found between the rights called for, above, under the Tanzimat order, such as freedom from fear and recourse to justice, with those rights enumerated in the Universal Declaration of Human Rights more than a century later. Louise Fawcett reaffirms Hourani's depiction of the Ottoman order, asserting that 'against this vision of disorder, there is a contrasting and compelling vision of order, one long familiar to regional scholars: of a people cohabiting a relatively seamless space, of tolerance and diversity—cultural, linguistic and religious.'⁴⁵ In the context of evaluating the history of constitutionalism in the Middle East, Fawcett finds 'simplifying theses [to be] inadequate,' noting that 'neither Arabism nor Islam nor indeed colonialism or European influences in or of themselves provide sufficient explanation for the absence or presence of constitutionalism.'⁴⁶ Fawcett points to the varied experiences in the region's constitutional history, which make it difficult to offer blanket explanations for the failure or success of such movements. She continues, 'the claim that constitutionalism is part of a 'modernizing trend' and that its failure reflects the resistance of traditional and unreformed societies and polities is hard to sustain when one considers the complexity and diversity that characterizes the post-Ottoman region.' By analogy, just as the mixed experiences with constitutionalism are not solely attributable to Arabism or Islamism or to the history of foreign influence in the region, the acceptance or rejection of human rights principles in Middle Eastern settings also cannot be exclusively attributed to such factors.

The episode following the Ottoman downfall, dubbed by New Historian Avi Shlaim as the 'post-Ottoman syndrome,' did more to turn back the clock on human rights in the region than anything else. The reshuffling of territorial boundaries and division of people that had lived

more or less peacefully under Ottoman rule effectively stalled the realization of Arab independence and self-determination. The arbitrariness and non-representative nature of the alien state system of the Middle East, carved out of the ruins of the old Empire by Great Britain and France, were also clear impediments to the realization of human rights in the region. The establishment of monarchical or authoritarian regimes within artificially delineated state boundaries from Iraq and Syria to Jordan—and most notably, the creation of a Jewish national homeland in historic Palestine, which conflicted directly with the promises of independence made to the Arabs—have stood as enduring sources of conflict and inner turmoil for the region.⁴⁷ What this historical perspective and episodes such as the *Balfour betrayal* bring to light is the sheer number of externalities as opposed to purely endogenous variables, which go into supporting or hindering the socialization of human rights norms in the region.

In placing the Middle East against its corresponding historical backdrop, it becomes more evident that the traditional East–West dichotomy and related generalizations do not hold. Globalizing forces, both constructive and destructive, have increasingly blurred these boundaries. Moreover, by deconstructing cultural relativist accounts, it is equally apparent that cultural or ideational variables, alone, cannot tell the full story of the relationship of the region to the international system. The varied human rights discourses within different circles, even if discordant, reflect a growing pluralist culture within Islamic thought and the Middle East at large. This is a development that is further explored by looking at Arab and Islamic appropriations of human rights in regional charters and declarations such as the Arab Charter on Human Rights or the Universal Islamic Declaration of Human Rights. The story of the Middle East’s role in the emergence of the UN human rights system, which follows in the next chapter, serves to illuminate the actual level of regional convergence on universal human rights principles, and to practically test the universality of rights.

NOTES

1. *Universality* entails the universal applicability of principles, irrespective of cultural or religious setting, whereas, *cultural relativism* suggests that those principles are not fixed and that they vary across different cultural contexts.

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4. Fred Halliday, 'Relativism and Universalism in Human Rights: The Case of the Islamic Middle East,' Chap. 5, p. 152., in *Islam and the Myth of Confrontation: Religion and Politics in the Middle East* (London: I.B. Tauris, 2003).
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6. Carl L. Brown, *International Politics and the Middle East: Old Rules, Dangerous Games* (London: I.B. Tauris, 1984), pp. 3–5, 16–19. See also Michael C. Hudson, 'The United States in the Middle East' in Louise Fawcett, ed., *International Relations of the Middle East* (Oxford: Oxford University Press, 2009).
7. For a cultural-anthropological discussion on 'naturalizing difference,' and the 'specificity of Eastern and Western grids' and 'positional superiority' see Laura Nader, *Culture and Dignity: Dialogues Between the Middle East and the West* (Chichester, UK: Wiley-Blackwell, 2013), Chaps. 1 and 4.
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15. Mishana Hosseinioun, 'The Original Sin of US Foreign Policy in the Middle East,' *openDemocracy*, February 3, 2017.
16. UNDP, United Nations Development Program, *Arab Human Development Report* (2005), p. 5.
17. Irshad Manji, *The Trouble With Islam Today: A Muslim's Call for Reform in Her Faith* (New York, NY: 2003, St. Martin's Press), p. 50.

18. Sultanhussein Tabandeh, *A Muslim Commentary on the Universal Declaration of Human Rights* (Iran: 1966, translated by F.J. Goulding); and Abdu'l A'la Mawdudi, *Human Rights in Islam* (Lahore: Islamic Publications, 1977).
19. Halliday (2003), pp. 134–139.
20. Hamid Enayat, *Modern Islamic Political Thought* (Austin: University of Texas Press, 1982), pp. 1–2.
21. Abdullah Saeed, 'Building a Culture of Human Rights from a Muslim Perspective', p. 123–127, in Proceedings of the International Symposium, *Cultivating Wisdom, Harvesting Peace: Education for a Culture of Peace, through Values, Virtues, and Spirituality of Diverse Cultures, Faiths, and Civilizations* (August 10–13, 2005, Multi-Faith Centre, Griffith University, Brisbane, Queensland, Australia).
22. Ibid., p. 123.
23. Enayat (1982).
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38. It is interesting to note that the Cyrus cylinder had also been lent to the Islamic Republic of Iran, marking efforts of historical re-appropriation, perhaps, of the *persian* human rights heritage.
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45. Hourani, *A History of the Arab Peoples* (1991 ed.) referenced in Fawcett, Louise, ed., *International Relations of the Middle East* (2009), Introduction, p. 5.
46. Fawcett (2008), p. 120.
47. Balfour Declaration of November 2, 1917 (British pledge for a Jewish national homeland) and the Hussein-McMahon Correspondences of July 14, 1915–January 30, 1916 (British pledge of Arab independence and self-determination).

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